

*Rec'd 11/20/07
JJB***United States District Court**

for

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Brian E Mooney**Case Number: **1:00CR00094-2**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber, United States Senior District Judge**Date of Original Sentence: **September 5, 2001**Original Offense: **Conspiracy to Possess with Intent to Distribute Methamphetamine in Excess of Five Grams and Marijuana, a Class B felony, in violation of 21 U.S.C. 846 & 841 (a)(1) & (b)(1)(B)**Original Sentence: **77 month(s) prison, 48 month(s) supervised release**Type of Supervision: **Term Of Supervised Release**Date Supervision Commenced: **July 18, 2006**Assistant U.S. Attorney: **Kenneth L. Parker**Defense Attorney: **To be assigned**

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

Mooney submitted urinalysis specimens that tested positive for morphine on October 30 and November 6, 2007. On November 15, 2007, Mooney stalled, and failed to submit a urine specimen as directed. Additionally, Mooney submitted a urinalysis specimen that tested positive for cocaine on July 30, 2007, a specimen that tested positive for cocaine and morphine on May 23, 2007, and specimens that tested positive for amphetamines on November 12, 2006 and November 7, 2006. On June 26, 2007, Your Honor granted Mooney exception to mandatory revocation based on five positive urine specimens he had submitted between July 2006, and May 2007.

It should be noted , 18 U.S.C. 3583 (g)(4) requires revocation for more than three positive drug tests in the same year.

U.S. Probation Officer Recommendation: Mooney is actively using illegal drugs, specifically heroin, and is a danger to himself at this time. Therefore, it is respectfully recommended that a warrant be issued for Mooney's arrest so that he can appear before the court to address his violation behavior.

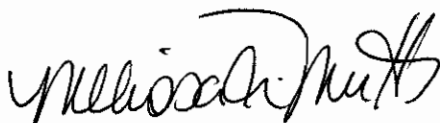
The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

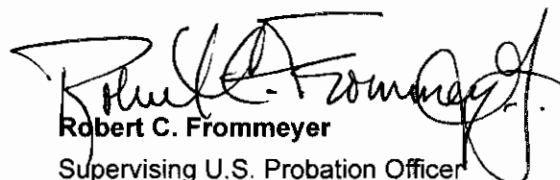
I declare under penalty of perjury that
the foregoing is true and correct.

Executed on November 19, 2007

by



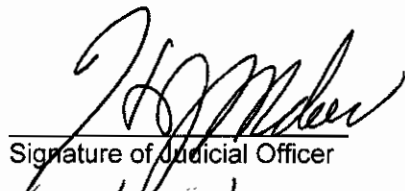
Melissa Mutter
U.S. Probation Officer



Robert C. Frommeyer
Supervising U.S. Probation Officer
Date: **November 19, 2007**

THE COURT ORDERS:

- ☐ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer

11/12/07
Date